

IN RE: Public Utility Regulatory Policies Act) ORDER GRANTING
(PURPA) of 1978) REQUEST OF DUKE
) ENERGY CAROLINAS,
) LLC FOR
) CONFIDENTIAL
) TREATMENT

On December 30, 2008, Duke Energy filed with the Commission the Company's 2008 avoided cost information as required pursuant to Part 292 of the Federal Energy Regulatory Commission regulations under Section 210 of the Public Utility Regulatory Policies Act of 1978. Duke Energy requests that the pages of Attachment B to the Company's avoided cost information be filed with the Commission under seal and be maintained as confidential. Duke Energy asserts in its request that the projected costs contained in Attachment B to the Company's 2008 Section 292.302 filing contain confidential information that is proprietary and commercially sensitive and if disclosed, could adversely affect the Company's ability to enter into arms-length generation

procurement transactions. Duke Energy filed Attachment B in a separate package clearly marked “confidential.”

A review of the material in question in the Company’s 2008 Section 292.302 avoided cost information filing establishes that the material does provide detailed information concerning Duke Energy’s business and practices which are sensitive. The South Carolina Freedom of Information Act (“FOIA”) allows exemption from disclosure proprietary business information that meets a definition of “trade secrets.” S.C. Code Ann. Section 30-4-40(a)(1) states that matters which may be exempt from FOIA include: “(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes....Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information contained in Attachment B to the Company’s 2008 Section 292.302 filing for which Duke Energy seeks protection as confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

Because the Commission finds that certain portions of the 2008 Section 292.302 filing of Duke Energy contains competitively sensitive critical information and meets the definition of “trade secrets” as defined under FOIA, the Commission grants the request.

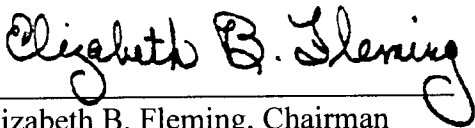
IT IS THEREFORE ORDERED THAT:

1. The request of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Attachment B to the 2008 Section 292.302 avoided cost

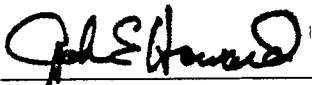
information of Duke Energy Carolinas, LLC filed with the Commission shall be declared confidential, shall be afforded confidential treatment, and shall be protected from public disclosure pursuant to the provisions of S.C. Code Ann. Section 30-4-40(a)(1), 26 S.C. Code Ann. Regs. 103-804(S)(2) and other applicable law. A redacted version of the filing will be made available for public review.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)